

## **BRIEFING NOTES**

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, February 20, 2013, 12:00 noon, Room 113, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Leirion Gaylor Baird, Michael Cornelius, Tracy Corr, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynnn Sunderman and Ken Weber; (Wendy Francis absent). Marvin Krout, Steve Henrichsen, Sara Hartzell, Brandon Garrett, David Pesnichak, and Teresa McKinstry of the Planning Department; Chris Schroeder and Scott Holmes with the Health Dept.

**STATED PURPOSE OF MEETING:** Briefing on "Pipelines and Other Public Health Hazards"

Chris Schroeder with the Health Dept. stated that the primary goal in the Lincoln-Lancaster County Health Department's air program is to provide air quality and clean air to breathe for Lancaster County residents. The primary role of the Health Dept. is to review land use applications for any negative public health impacts. Staff looks at issues like water, wastewater treatment issues, any pipelines in the vicinity and nuisance conditions. The Health Dept. meets weekly with the Planning Dept. and other City staff to discuss new applications and address any issues up front. Health Dept. staff will occasionally attend Planning Commission, City Council or County Board meetings, if they feel there might be a contentious issue.

Back in 2005, a joint committee was convened on Public Health and Land use. The main charge was to look at some contentious land use issues. A report was issued in 2006. Pipelines in Lancaster County have been an issue over the years. There are over 300 miles of pipeline in Lancaster County.

Natural gas pipelines seem to come up most often in Health Dept. reviews. The department worked with the pipeline companies to get data on the location, size and maximum operating pressure. They use an equation developed by the Gas Research Institute to calculate the hazard area. Staff will recommend no occupied residential structures in the hazard area. Commercial uses are okay. Roads are acceptable.

One of the committee recommendations was for public education on pipelines. Vintage Heights residents have a pipeline running through the middle of this development. This line does not have the odor added until 84<sup>th</sup> & Old Cheney Rd. A recent success story

is Grand Terrace. The developer presented a site plan where they worked with the gas company to get better pipeline location data and almost completely met the recommendation of the Health Dept. He believes the development is almost 200 feet away from a pipeline. Even with all the Federal regulations currently in place, accidents can happen.

The greatest risk with an anhydrous ammonia pipeline is that it can become airborne toxic during a leak. The Health Dept. follows the guidelines set out in the 2012 US DOT Emergency Response Guidebook. Petroleum pipelines generally present the least risk. Staff recommends a public safety distance of 150 feet. Propane pipelines run in the same trench as anhydrous ammonia. They recommend a public isolation distance of 330 feet. Staff is concerned about the storage and use of hazardous materials in the community. None of the Federal, State or local environmental regulations address how far hazardous materials have to be from certain structures. Locally, parties who use and store hazardous materials are required to submit annual data to the State, Fire Dept. and the Local Emergency Planning Committee. Certain evacuation zones have been established.

There are hundreds of rail cars going through the city every day that carry hazardous materials. The Health Dept. typically recommends a 300 foot buffer from houses and rail lines. Trucks can also be carrying hazardous materials.

In regards to public health and community design, the Health Dept. promotes walkability and assesses the direct public health implications. Physical inactivity is directly correlated with obesity and heart disease. Physical activity directly correlates with access to sidewalks and trails. The cost of physical inactivity is over 300 million dollars per year in Lancaster County.

With regard to public health and community design, there is a whole chapter in the Comprehensive Plan dedicated to mixed use developments. The downtown area has had a few complaints in the past. The Health Dept. investigates noise complaints. They found that someone might not be in violation, but people still perceive it as a nuisance. They want to make sure to get the right uses together.

If you can get people to live and work in the same area, access to stores, jobs, recreation, and continuity of sidewalks and streets, you will see a great increase in physical activity. Cars and trucks are the largest source of air pollution. Walkability will improve air quality. Lincoln has good air quality. The Health Dept. is concerned about particulate matter. It is directly related to heart attacks and asthma.

Lust thought the Planning Commission expressed a desire for some sort of notification about nearby pipelines to a potential buyer. She questioned if this has been implemented. Schroeder tried to think of a mechanism. They considered putting something in the covenant or in the deed. They wondered if it would really notify someone. There was thought about signs in the neighborhood, but there would be

concerns from the developers about that negatively impacting their development. Staff thought about putting these areas in the GIS tool online. It is an ongoing discussion.

Cornelius questioned if pipeline hazard areas are available as a GIS layer. Schroeder replied no. There are security issues and other issues that this data has not been made available.

Marvin Krout stated that staff has similar problems with the water and sewer dept. The reasons are tied into security. You won't find that information online.

Gaylor Baird questioned if this information could be available at the County Assessor. They could check a box that you are within a hazard area.

Cornelius believes if you are in the position of a homeowner, you would look at the Assessor website and see a box that said it was in a hazard area. He personally, would want to look at a map to see where the hazard area is and what it is.

Scott Holmes stated that staff has discussed a general map. He thinks that some of the arguments are pretty circuitous. The pipelines are clearly marked. Anyone could figure out where they run. It is sort of a false argument to him. They would not put specific pipeline data or pressure online.

Gaylor Baird also believes you could make a statement about the likelihood of something happening.

Holmes stated that the width of the easement is for equipment and maintenance of the pipeline, not to provide protection from nearby occupied residential structures.

Lust wondered where someone can go to find out how far they need to be from a pipeline. Schroeder replied that they have these discussions before hand.

Cornelius believes that as a developer, you would want to have this information as part of land acquisition. The most recent issue became problematic during the public hearing. Schroeder noted that the hazard is calculated off the maximum pressure of the pipeline.

Lust noted there is no rule for regulation or enforcement. These are reviewed on a case by case basis.

Cornelius questioned if there is something we can do to develop a set of regulations that can be used, or a set of guidelines that are clearer. He felt uncomfortable with a previous application with a pipeline in the area and didn't feel like he received a lot of detailed information. It is helpful to have more specific information when dealing with a development.

Holmes noted that some lines will run a different product at different times. Gas and diesel are run in the same line at different times.

Gaylor Baird believes what is difficult, is that it sounds like developers must ask the right questions. If that doesn't happen, it starts to feel like the city's fault. She doesn't want to be put in that position at a hearing.

Sunderman believes uses are being dictated on land that the pipeline does not own. He understands the concerns, but where do we start and where do we stop.

Cornelius understands that one of the functions of government might be to show where the hazards are. This has to be taken into account. We need to show the potential problems. The regulation might be that the onus is on the developer to inform potential buyers.

Krout stated that this seems like an issue that many developing cities would have. Schroeder will look into it.

The briefing was adjourned at 1:50 p.m.